

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 14 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CHARLEY ZACHARIA,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-71805

Agency No. A075-683-010

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted June 11, 2019\*\*

Before: CANBY, GRABER, and MURGUIA, Circuit Judges.

Charley Zacharia, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying Zacharia’s third motion to reopen<sup>1</sup> as untimely and numerically barred where he filed the motion fifteen years after the BIA’s final order, *see* 8 C.F.R. § 1003.2(c)(2), and he failed to establish materially changed country conditions in Indonesia to qualify for an exception to the time and number limitations for filing a motion to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 990-91 (evidence must be “qualitatively different” to warrant reopening); *Go v. Holder*, 744 F.3d 604, 609 (9th Cir. 2014) (holding “that the procedural requirements specified in 8 C.F.R. § 1003.2(c) apply to CAT claims). The record does not support Zacharia’s contentions that the BIA failed to consider his evidence or otherwise erred in analyzing his claims. *See Najmabadi*, 597 F.3d at 990-91 (the BIA adequately considered evidence and sufficiently announced its decision).

**PETITION FOR REVIEW DENIED.**

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<sup>1</sup> *See Zacharia v. Lynch*, 658 F.App’x. 318 (9th Cir. 2016).